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UNITED STATES DISTRICT COURT

FOR THE NORTHERN MARIANA ISLANDS

AUTOMARINE, INC., ROLANDO
SENORAN, BENJAMIN T. SANTOS,
AUGUSTO SANTOS, and NORMANDY
SANTOS,

Plaintiffs,

vs.

ANTONIO SABLAN, personally;
RICHARD T. LIZAMA, personally and
in his official capacity; and MEL GREY
in his official capacity,

Defendants.

CIVIL ACTION NO. 05-0042

**ANSWER TO AMENDED
COMPLAINT; CERTIFICATE
OF SERVICE**

COME NOW DEFENDANTS, who would now answer the Plaintiffs' Complaint
as follows:

1 1. Plaintiffs' averments of jurisdiction set forth conclusions of law to which
2 no response is required. To the extent that an answer by Defendant is deemed required,
3 they are admitted.

4 2-8. Admitted.

5 9-11. Plaintiffs' summaries of certain Covenant and statutory provisions sets forth
6 conclusions of law to which no response is required. To the extent that an answer by
7 Defendants is deemed required, they are admitted.

8 12-13. Defendants lack knowledge or information sufficient to form a belief as to
9 the truth of these averments and they are, therefore, denied.

10 14. This averment sets forth conclusions of law to which no response is required.
11 To the extent that an answer by Defendants is deemed required, they are denied.

12 15. Admitted.

13 16. This averment sets forth conclusions of law to which no response is required.
14 To the extent that an answer by Defendants is deemed required, they are denied.

15 17-18. Admitted.

16 19-20. These averments set forth conclusions of law to which no response is
17 required. To the extent that an answer by Defendants is deemed required, they are denied.

18 21-28. Defendants lack knowledge or information sufficient to form a belief as to
19 the truth of these averments and they are, therefore, denied.

20 29-30. These averments set forth conclusions of law to which no response is
21 required. To the extent that an answer by Defendants is deemed required, they are denied,
22 insofar as they are inconsistent with the documents, which speak for themselves.

23 31-35. Defendants lack knowledge or information sufficient to form a belief as to
24 the truth of these averments and they are, therefore, denied.
25

1 36. These averments set forth conclusions of law to which no response is required.
2 To the extent that an answer by Defendants is deemed required, they are denied, insofar as
3 they are inconsistent with the documents, which speak for themselves.

4 37-42. Defendants lack knowledge or information sufficient to form a belief as to
5 the truth of these averments and they are, therefore, denied.

6 43-44. These averments set forth conclusions of law to which no response is
7 required. To the extent that an answer by Defendants is deemed required, they are denied,
8 insofar as they are inconsistent with the documents, which speak for themselves.

9 45-46. Defendants lack knowledge or information sufficient to form a belief as to
10 the truth of these averments and they are, therefore, denied.

11 47-48. Admitted.

12 49-52. Defendants lack knowledge or information sufficient to form a belief as to
13 the truth of these averments and they are, therefore, denied.

14 53-55. Admitted.

15 56. Defendants lack knowledge or information sufficient to form a belief as to the
16 truth of these averments and they are, therefore, denied.

17 57. Denied.

18 58-59. Admitted.

19 60. Defendants lack knowledge or information sufficient to form a belief as to the
20 truth of these averments and they are, therefore, denied.

21
22 **FIRST CLAIM FOR RELIEF**

23 61. Plaintiffs' incorporation by reference requires no response. Defendants
24 incorporate by reference their answers to Paragraphs 1 to 60 above.

25 62. Admitted.

63. Defendants lack knowledge or information sufficient to form a belief as to the truth of these averments and they are, therefore, denied.

64. These averments state a legal conclusion summarizing 3 CMC § 4434(e)(1), which serves as the best evidence of its own contents, to which no responsive pleading is required. To the extent that an answer by Defendant is deemed required, they are denied based on the oversimplification inherent in the word “simply,” and in the lack of a definition of “alien,” but otherwise admitted.

65-69. Denied.

SECOND CLAIM FOR RELIEF

70. Plaintiffs’ incorporation by reference requires no response. Defendants incorporate by reference their answers to Paragraphs 1 to 67 above.

71-72. Admitted.

73. Denied. U.S. Coast Guard licenses issued to individuals are insufficient in and of themselves to authorize operation of a vessel. There are numerous other federal and Commonwealth statutory and regulatory provisions applicable, inter alia, based on the type of vessel, location of the vessel’s operation, and the origin or destination (or both) of the voyage.

74. Denied. Comparing one law to another as “superior” assumes facts not averred nor in evidence, namely, that there is a conflict between them or that preemption applies. Defendants contend that the various laws each apply according to their proper substantive enactments.

75-76. Denied.

THIRD THROUGH SIXTH CLAIMS FOR RELIEF

77-124. These averments have been resolved through a settlement agreement between the parties and thus no response is required. To the extent that an answer by Defendants is deemed required, they are denied.

**PRAYER FOR RELIEF
FIRST CLAIM FOR RELIEF**

125-128 (1-4). The statements set forth in Paragraphs 1-4 of the Amended Complaint's Prayer for Relief (First Claim for Relief), are not allegations of fact but legal conclusions and requests in the form of a prayer for relief, which require no response. To the extent that a response is deemed required, Defendants deny these statements contained in these Paragraphs. Further, Defendants deny that Plaintiffs are entitled to any relief whatsoever.

**PRAYER FOR RELIEF
SECOND CLAIM FOR RELIEF**

129-132 (1-4). The statements set forth in Paragraphs 1-4 of the Amended Complaint's Prayer for Relief (Second Claim for Relief), are not allegations of fact but legal conclusions and requests in the form of a prayer for relief, which require no response. To the extent that a response is deemed required, Defendants deny these statements contained in these Paragraphs. Further, Defendants deny that Plaintiffs are entitled to any relief whatsoever.

**PRAYER FOR RELIEF
THIRD THROUGH SIXTH CLAIMS FOR RELIEF**

133-148 (1-4) (each, for Claims 3 through 6). These averments have been resolved through a settlement agreement between the parties and thus no response is required. To the extent that an answer by Defendants is deemed required, the statements set forth in Paragraphs 1-4 of the Amended Complaint's Prayer for Relief (Third through Sixth Claims for Relief), are not allegations of fact but legal conclusions and requests in the form of a prayer for relief, which require no response. To the extent that a response is deemed required, Defendants deny these statements contained in these Paragraphs. Further, Defendants deny that Plaintiffs are entitled to any relief whatsoever.

GENERAL DENIALS

149. All averments that Defendants have not specifically admitted are denied.

150. The headings are used for reference purposes only and do not constitute admissions.

DEFENSES

151. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

152. Plaintiffs have failed to name indispensable parties — United States Citizenship and Immigration Services, the United States Coast Guard, the United States Department of Homeland Security, and the United States of America.

153. Plaintiffs lack standing to assert preemption arguments on behalf of the federal government.

154. Defendants reserve the right to assert additional defenses that are discovered during these proceedings as the facts warrant.

1 WHEREFORE, PREMISES CONSIDERED, Defendants pray that, upon hearing,
2 Plaintiffs be denied all relief sought, and for such other and further relief as the Court may
3 deem just and equitable.

4 Respectfully submitted,

5 MATTHEW T. GREGORY # F0205
6 Attorney General

7
8 Dated: Friday, 22 December 2006.

Gregory Baka
9 GREGORY BAKA # F0199
10 Deputy Attorney General

11 Attorneys for Defendants
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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(d), the undersigned declarant states as follows:

1. I am eighteen years of age or older, and I certify that I caused to be served the following document(s) to the last known address(es) listed below on the date(s) indicated.

ANSWER TO AMENDED COMPLAINT; CERTIFICATE OF SERVICE

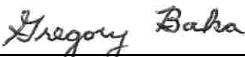
2. As set forth below, this service was accomplished either by personal delivery; U.S. Mail; deposit with the Clerk of Court (in attorney's box), cf. Fed. R. Civ. P. 5(b)(2)(D); or electronic service, see Local Rule 5.1.

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Via Electronic Service

3. I declare under penalty of perjury that the foregoing is true and correct. Executed on Friday, 22 December 2006.



Deputy Attorney General
Attorney for Defendants